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January 11, 2007

**VIA HAND DELIVERY**

Lawrence H. Norton, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: **Matter Under Review 5881 (Virginia Manheimer)**

Dear Mr. Norton:

This response is filed on behalf of Virginia Manheimer in the above-captioned matter.

In short, the Complaint asserts that Ms. Manheimer made excessive contributions to Club for Growth Inc. PAC ("Club PAC") in 2006, but the fact is that Ms. Manheimer did not make excessive contributions. The Complaint also asserts that Ms. Manheimer made contributions to Club PAC with the knowledge that such contributions would be used to support the campaign of Tim Walberg. This is untrue. The fact is that Ms. Manheimer had no knowledge of how Club PAC was going to use any contributions when she made her permissible contributions.

Because the allegations against Ms. Manheimer have no basis in either the facts or the law, the Federal Election Commission ("FEC" or "Commission") should find no reason to believe that Ms. Manheimer violated the Federal Election Campaign Act ("Act") and dismiss the Complaint against Ms. Manheimer.

**THE COMPLAINT**

The Complaint was filed by the campaign of Michigan candidate Joe Schwarz, Schwarz for Congress, on November 16, 2006. The Complaint makes two unsubstantiated charges against Ms. Manheimer. First, the Complaint (in Count 1) alleges that Ms. Manheimer made contributions in excess of \$5,000 to Club PAC in 2006. Second, the Complaint (in Count 3) alleges that Ms. Manheimer, among others, "knew that a substantial portion of their contributions to CFG-PAC would, in fact, be expended to support Walberg for Congress" and, as such, "exceeded the \$2,100 limit to Walberg for Congress for the 2006 primary election".

Carol A. Latham  
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COUNSEL  
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The Complaint attaches, as Exhibit 4, a computer disc purporting to show contribution data for contributions by certain persons to Club PAC and to Walberg for Congress. This data, along with the interpretation of the data in the Complaint, does not match the data found on the Commission's website or as found in the reports of Club PAC, also found on the Commission's website.

### THE FACTS

Contrary to the allegations in the Complaint, Ms. Manheimer did not engage in any conduct contrary to the Act. Ms. Manheimer simply made permissible and reported contributions to Club PAC as well as earmarked contributions to candidates.

Ms. Manheimer made one \$5,000 contribution to Club PAC on May 25, 2006. Affidavit of Virginia Manheimer ¶ 3, dated January 9, 2007, attached hereto at Tab A [hereinafter "Manheimer Aff."]. Ms. Manheimer did not make any additional contributions to Club PAC in 2006. *Id.*

In addition, Ms. Manheimer made the following earmarked candidate contribution in 2006, which the Complaint erroneously categorizes as a contribution to Club PAC: \$1,100 to Sharron Angle's Congressional campaign. *Id.* ¶ 4. (The data attached to the Complaint at Exhibit 4 mistakenly counts this earmarked candidate contribution as a contribution by Ms. Manheimer to Club PAC itself (with a receipt date of July 18, 2006), thereby incorrectly pushing Ms. Manheimer over the \$5,000 yearly contribution limit for 2006 in the analysis of the Complaint.)

### THE LAW

An individual may contribute up to \$5,000 per calendar year to a non-candidate, non-party political committee. 11 C.F.R. § 110.1(d). An individual also may contribute \$2,100 per election to a candidate for federal office subject to an aggregate limit of \$40,000 per election cycle. *Id.* §§ 110.1(b)(1), 110.5.

Section 110.1(h) of the Commission's regulations provides, in pertinent part, as follows:

(h) *Contributions to committees supporting the same candidate.* A person may contribute to a candidate or his or her authorized committee with respect to a

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particular election and also contribute to a political committee which has supported, or anticipates supporting, the same candidate in the same election, as long as--

...

(2) The contributor does not give with the knowledge that a substantial portion will be contributed to, or expended on behalf of, that candidate for the same election; and

....

*Id* § 110.1(h).

## DISCUSSION

### A. Ms. Manheimer Did Not Make Any Excessive Contributions

The allegation in the Complaint that Ms. Manheimer made excessive contributions to Club PAC is erroneous. Contrary to the faulty data attached to the Complaint at Exhibit 4 and per the data posted on the Commission's website, Ms. Manheimer's contributions to Club PAC complied with the \$5,000 per-calendar-year limit contained in 11 C.F.R. § 110.1(d). Manheimer Aff. ¶¶ 2. The other contribution by Ms. Manheimer that the Complaint alleges to have been made to Club PAC was in fact an earmarked candidate contribution made by Ms. Manheimer through Club PAC and was reported as such. *Id.* ¶ 4. *See also* page from Club PAC reports from the FEC database attached at Tab B (showing earmarked contribution). The Complaint simply uses erroneous data and makes faulty deductions from such data.<sup>1</sup>

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<sup>1</sup> For whatever reason, the donor lookup program on the Commission's website incorrectly lists Ms. Manheimer's Angle contribution as a contribution to Club PAC, but the underlying page from the Club PAC report to which the donor lookup program links clearly shows that the contribution was an earmarked contribution to the Angle campaign. *See also* Tab C (copy of check).

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**B. Ms. Manheimer Did Not Know How Club PAC Was To Use Her Contributions**

The Complaint alleges that Ms. Manheimer inappropriately contributed to Club PAC because she purportedly knew that her contribution was going to be used to support Walberg for Congress. This is simply incorrect.

In contrast to the Complaint's assertions about individual contributors' knowledge about future Club PAC activity, it is clear from Ms. Manheimer's sworn affidavit that she did not know how Club PAC would use contributions that it received from individuals like herself, other than to support conservative candidates generally. Manheimer Aff. ¶ 3. Ms. Manheimer did not have any knowledge that her contribution to Club PAC would be used for any particular campaign or to support any particular candidate, much less Walberg for Congress. Accordingly, Ms. Manheimer did not make excessive contributions to the Walberg campaign by virtue of her Club PAC contributions, for she lacked the "knowledge" requirement found in 11 C.F.R. § 110.1(h).

**CONCLUSION**

In sum, the Commission should find no reason to believe that Ms. Manheimer violated the Act and should dismiss her from this Matter. Ms. Manheimer neither made excessive contributions to Club PAC nor made excessive contributions to Walberg for Congress through the operation of 11 C.F.R. § 110.1(h).

Sincerely,



Carol A. Laham  
D. Mark Renaud

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BEFORE THE FEDERAL ELECTION COMMISSION


In the Matter of Club for Growth, Inc. PAC  
*et al.*

MUR 5881

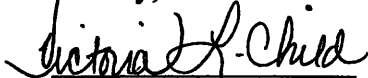
**Affidavit of Virginia Manheimer**

1. My name is Virginia Manheimer, and I make the following statements to the best of my knowledge and belief.
2. On May 25, 2006, I made a single \$5,000 contribution to the Club for Growth, Inc. PAC. I did not make any additional contributions to Club for Growth, Inc. PAC in 2006.
3. When I made the above-described contribution to Club for Growth, Inc. PAC, I did not know how Club for Growth, Inc. PAC might use the funds contributed other than to support conservative candidates generally.
4. I also made the following earmarked candidate contribution in 2006 by personal check that relates to this Complaint: \$1,100 to the campaign of Sharron Angle.

Under penalty of perjury and any other penalties possibly applicable under law, I swear that the foregoing statements are true to the best of my knowledge, belief, and recollection.

  
Virginia Manheimer

Sworn and subscribed to  
Before me this 9<sup>th</sup> day of  
January, 2007.

  
Notary Public

My commission expires: Nov. 24. 2007

NOTARIAL SEAL  
Victoria L. Child, Notary Public  
Buckingham Twp., Bucks County  
My commission expires November 24, 2007

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**SCHEDULE A (FEC Form 3X)  
ITEMIZED RECEIPTS**Use separate schedule(s)  
or each category of the  
Detailed Summary PageFOR LINE NUMBER: PAGE 493/1743  
(check only one)

<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 12
<input type="checkbox"/> 13	<input type="checkbox"/> 14	<input type="checkbox"/> 15	<input type="checkbox"/> 16
<input type="checkbox"/> 17			

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE (In Full)  
CLUB FOR GROWTH INC PAC

<b>A</b> Full Name (Last, First, Middle Initial) Jerome Mandel Mailing Address 8899 Compton Drive City Inver Grove Height State MN Zip Code 55076-3399 FEC ID number of contributing federal political committee C Name of Employer n.a. Occupation Retired Receipt For 2006 X Primary General Other (specify) Aggregate Year-to-Date 00		Date of Receipt 07 19 2006 Transaction ID: SA11A1 88181 Amount of Each Receipt this Period 50.00 Earmarked: Lamborn for Cong House OO-5 [MEMO ITEM]
<b>B.</b> Full Name (Last, First, Middle Initial) Jerome Mandel Mailing Address 8899 Compton Drive City Inver Grove Height State MN Zip Code 55076-3399 FEC ID number of contributing federal political committee C Name of Employer n.a. Occupation Retired Receipt For 2006 X Primary General Other (specify) Aggregate Year-to-Date 00		Date of Receipt 07 19 2006 Transaction ID: SA11A1 88182 Amount of Each Receipt this Period 50.00 Earmarked: Walberg for Cong House MI-07 [MEMO ITEM]
<b>C.</b> Full Name (Last, First, Middle Initial) Virginia Hanhelmer Mailing Address P O. Box 60 City Lambertville State NJ Zip Code 08530 FEC ID number of contributing federal political committee C Name of Employer Self Occupation Investor Receipt For 2006 X Primary General Other (specify) Aggregate Year-to-Date .00		Date of Receipt 07 18 2006 Transaction ID: SA11A1 88563 Amount of Each Receipt this Period 1100.00 Earmarked: Angle for Cong House NV-D2 [MEMO ITEM]
SUBTOTAL of Receipts This Page (optional) .....		0.00
TOTAL This Period (last page this line number only) .....		

FEC Schedule A (Form 3X) Rev 02/2003

(B)

VIRGINIA MANHEIMER

NUL 17 2006

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880

DATE July 13 2006

PAY TO THE  
ORDER OF

Angela for Congress

\$ 1,100.00

eleven hundred and <sup>NO</sup><sub>100</sub>

DOLLARS

JPMorgan  
Private Bank

JPMorgan Chase Bank, N.A.  
New York, New York

MEMO

(Virginia Manheimer)

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